THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6643 of 2007

Dated: 09-04-2007

Between:

Premanand Vuturkuri.

..... PETITIONER

AND

The Mandal Revenue Officer, Kalidindi Mandal, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6643 of 2007

ORDER:

Land admeasuring Ac.1.26 in survey No.916/3 and Ac.0.64 in survey No.917/3 situated at Kalidindi Village was assigned to Vuturukuri Rachelamma, the paternal grandmother of the petitioner. The petitioner is in possession of the land where he raised fish farms. He also obtained pattadar passbook (PPB) and title deed from first respondent. So as to take up intensive cultivation of fish farming, he proposed to construct a farmhouse on a small portion of the land. Accordingly in 2001, he applied to the Gram Panchayat by paying necessary fee and obtained permission for construction. When he started construction, it is alleged that second respondent sent Constables to prevent construction by the petitioner allegedly at the behest of fourth respondent. The petitioner then approached first respondent requesting not to interfere with the construction for which the Gram Panchayat has accorded permission, in vain. Therefore, he filed instant writ petition seeking a Mandamus declaring the action of the respondents in preventing the petitioner from proceeding with further construction of farmhouse in the land as illegal and arbitrary.

When the matter was heard at the preliminary stage on 03.04.2007, the learned Assistant Government Pleader for Revenue (General-A) requested for time for getting instructions in the matter. Today, after getting instructions, the learned Assistant Government Pleader submits that the land was assigned for carrying out agricultural operations. When the petitioner was found raising construction for residential purpose, enquiries were made and steps were taken to prevent the construction. However, he does not dispute or deny that the petitioner was not issued any notice asking him to explain as to why he should not be prevented from proceeding with the construction. He also submits that first respondent may take necessary action in accordance with Law after issuing notice. The same is recorded. This Court also observes that as the assignment of the land to the paternal grandmother of the petitioner is not denied, as long as the petitioner is carrying on activities legitimately in accordance with the terms of the grant, unless and until due process of Law is followed, the assignment cannot be cancelled and the petitioner cannot be prevented from enjoying the land.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

09th April, 2007
Note: Issue CC by 13.04.2007.
B/o
ghn